

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JANE DOE 1, *et al.*,

Plaintiffs,

v.

BAYLOR UNIVERSITY,

Defendant.

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6:16-CV-173-RP

Consolidated with

6:17-CV-228-RP

6:17-CV-236-RP

**PEPPER HAMILTON LLP'S NOTICE WITH RESPECT TO
PART (1)(a) OF THE COURT'S ORDER DATED MARCH 28, 2019 (DKT. 607)**

In its order dated March 28, 2019 (the "Order") (Dkt. 607), the Court ordered Pepper Hamilton LLP to "(1) produce all materials in response to the subpoena in Pepper Hamilton's custody or control that Baylor (a) does not possess or (b) has not produced, and (2) file a notice with this Court certifying that production to Plaintiffs is complete no later than April 11, 2019."

Pepper Hamilton hereby gives notice, with respect to Part (1)(a) of the Order only, that production is complete. *See* the attached Declaration of M. Duncan Grant.

With respect to Part (1)(b) of the Order, Pepper Hamilton is separately filing a Motion for Reconsideration and / or Clarification.

Respectfully submitted,

By: /s/ William D. Cobb, Jr.

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Dated: April 11, 2019

Attorneys for Pepper Hamilton LLP

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**PEPPER HAMILTON LLP'S CERTIFICATION WITH RESPECT TO
PART (1)(a) OF THE COURT'S ORDER DATED MARCH 28, 2019 (DKT. 607)**

M. DUNCAN GRANT declares the following:

1. I am a partner with Pepper Hamilton LLP ("Pepper") and a member of Pepper's Office of General Counsel.
2. In its order dated March 28, 2019 (the "Order") (Dkt. 607), the Court ordered Pepper to "(1) produce all materials in response to the subpoena in Pepper Hamilton's custody or control that Baylor (a) does not possess or (b) has not produced, and (2) file a notice with this Court certifying that production to Plaintiffs is complete no later than April 11, 2019."
3. This declaration responds to Part (1)(a) of the Order.
4. On March 12, 2019, I personally interviewed James K. Mowbray (Pepper's Records Administrator) and Jerriek J. Lisondra (a Systems Administrator / Developer at Pepper) to discuss what they had done in February 2017 to transfer our Baylor University files to the law firm Cozen O'Connor.

5. After I interviewed Messrs. Mowbray and Lisondra, they executed declarations that we filed with the Court (Dkt. 601-1 and 601-3), in which they described what they had done to transfer Pepper's hard copy and electronic Baylor files to Cozen O'Connor.

6. During the week of March 11, 2019, I spoke multiple times by phone with Joseph Tate, Esq., a lawyer at the Cozen O'Connor law firm, and Holly McIntush, Esq., a partner with the Thompson & Horton LLP law firm, about what they and their law firm colleagues had done to obtain the documents that Mr. Lisondra had uploaded to a data room to which Cozen O'Connor personnel were given access.

7. After I spoke with Mr. Tate and Ms. McIntush, they and Terry Kufen, an employee of Cozen O'Connor, executed declarations that we filed with the Court (Dkt. 601-4, 601-5, and 601-6), in which they explained what Cozen O'Connor personnel had done to download the electronic files that Pepper had made available to Cozen O'Connor, and in which they further explained that Cozen O'Connor had provided Thompson & Horton LLP with access to the materials that Cozen O'Connor had obtained from Pepper.

8. The declarations executed by Messrs. Mowbray, Lisondra, Tate, and Kufen and Ms. McIntush establish that Cozen O'Connor obtained its own set of all of Pepper's Baylor documents in February and March 2017, more than two years ago, and that Cozen O'Connor made the documents available to Thompson & Horton LLP.

9. On the basis of such declarations and my personal investigation, and in response to Part (1)(a) of the Order, I certify that to the best of my knowledge, information, and belief, there are no Baylor-related materials in Pepper's custody or control that Baylor does not also possess.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct. Executed on April 11, 2019 in Philadelphia, Pennsylvania.

M. Duncan Grant

M. DUNCAN GRANT